

REMARKS

Claims

35 USC § 103(a) Rejection of Claims 1 – 3 and 11 – 19

The Office Action rejected Claims 1 – 3 and 11 – 19 under 35 USC 103(a) as being obvious over Groom (6,393,770) in view of Taouil (4,769,526). The Office Action stated “Groom discloses a screen applied to overlay a gutter on an outside edge of a roof of a building said screen comprising: [Claim 1] a panel of generally planar mesh affixed along one edge of the panel to the roof and along the opposite edge of the panel to the top outside edge of the gutter with the panel adapted to prevent the entry of leaves and other tree debris into the gutter while allowing water to flow through the mesh and into the gutter, the mesh being formed of molded plastics material. Groom does not expressly disclose the panel having an electrically powered heating strand extending along the panel in the direction of said one edge of the panel. However, it is well know in the art to provide gutter screens, of the type claimed, with heating strands for melting ice. Reference Taouil teaches a screen with such a strand (28, 29). Therefore, it would have been obvious and well within the level of one skilled in the art at the time the present invention was made to modify the screen of Groom using the electrically powered heating strand extending along the panel in the direction of said one edge of the panel of Taouil for melting ice.”

Independent Claim 1 has been amended to include the features:

- (a) the heating wire is positioned to overlay the gutter,
- (b) the wire is clipped into clips, and
- (c) the clips are retained on the mesh by being inserted into the holes in the mesh.

Support for these features can be found at page 3 lines 27-29, page 9 lines 23-25 and claim 8 (now canceled).

The above features (b) and (c) have been imported into Claim 1 from canceled Claim 8. The Office Action rejected claim 8 under 35 USC 103(a) as being obvious over Groom (6,393,770) in view of Taouil (4,769,526), and in further view of Williams et al. (5,124,534).

Groom '770 describes a type of mesh particularly suited to the present invention, but does not disclose any suggestion of a heating system on the mesh. Feature (a) is not disclosed in, nor can be inferred from, Groom '770, Taouil '526 and Williams '534; individually or in combination.

Williams '534 is concerned with the heating coils of electric resistance heaters. The coils are supported on ceramic insulators. There is no mention of heating meshes covering gutters.

Taouil '526 discloses a de-icing panel which overlies a gutter and is heated by heating cables. However, the de-icing panel is formed of metal sheet which has a relatively high thermal conductivity, and the cables are either clamped or bonded into grooves formed in the panel where the grooves are well distant from the gutter. The de-icing panel can only work because it has a high thermal conductivity which allows the heat produced by the cables to be conducted down to where the openings 32 are located overlying the gutter.

In contrast, the present invention requires that the mesh overlaying the gutter be formed of moulded plastics material. Thus the mesh has a relatively low thermal conductivity – a property not relevant to any of the 3 citations. So positioning a heating wire on the mesh above the roof structure in the manner of Taouil '526 would not cause much melting of snow or ice above the gutter (which is where the melting is most desired). The present invention has the heating wire positioned above the gutter (not above the roof structure) which would overcome the problem of Taouil '526.

However, by putting the wire above the gutter, there is no opportunity to sandwich the heating wire between the mesh and the roof. The present invention overcomes this by having the wire clipped into clips which are in turn retained on the mesh by being inserted into the holes in the mesh.

The Office Action appears to be suggesting that the coil support insulators 14 of Williams '534 are in some way equivalent to the clips of the present invention. Williams '534 discloses the insulators are held captive by rods 30 and 32, and cannot be removed. Therefore the insulators do not clip into holes in a mesh as claimed in Claim 1.

As amended, Groom '770, Taouil '526 and Williams '534; individually or in combination, do not disclose each and every feature of Claim 1. Claims 2 – 3 and 11 – 19 are dependent from Independent Claim 1 or dependent from a dependent claim of Claim 1.

Therefore, Groom '770, Taouil '526 and Williams '534; individually or in combination, do not disclose each and every feature of Claims 2 – 3 and 11 – 19.

The Examiner is requested to remove the combination of Groom '770, Taouil '526 and Williams '534 as 103(a) Prior Art references. In light of the foregoing arguments and amendments to the claims, the Examiner is respectfully requested to allow Claims 1 – 3 and 11 – 19.

No Disclaimers or Disavowals

Although the present communication may include alterations to the claims, the Applicants are not conceding in this application that previously pending claims are not patentable. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Conclusion

Claims 1 – 3 and 11 – 19 are pending. Claim 1 is Currently amended. Claim 20 is Withdrawn. Claims 4 - 10 and 21 – 23 are Canceled.

In view of Applicant's remarks, it is respectfully submitted that the present application is in condition for examination. Should the Examiner have any remaining concerns which might prevent the prompt examination of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Payment of \$525 is submitted with this response for a 3 month extension of filing the Response. No additional fees are believed due; however, the Commissioner is authorized to charge any additional fees now and in the future which may be due, including any fees for additional extension of time, or credit overpayment to credit card information.

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